

## REMARKS

### I. STATUS OF THE CLAIMS

Claims 1-39, 52, 53, 66, 77, 88, 99 are pending and at issue. Applicant withdrew claims 40-51, 54-65, 67-76, 78-87, 89-98, and 100 in the previous Response, filed June 24, 2008.

### II. ELECTION/RESTRICTION REQUIREMENT

In the Office Action dated Oct. 27, 2008 ("Office Action"), the Examiner required Applicant to elect "a fully defined lipopeptide that falls within the scope of claim 1 and which is consistent with the previous election." Applicants previously elected the following species:

- a) (i) a lipopeptide *per se*;
- b) the T helper cell epitope of SEQ ID NO:1;
- c) the cytotoxic T cell epitope of SEQ ID NO:2;
- d) (i) the elected lipopeptide contains one "lipid moiety"; and
- e) the lipid moiety is Pam<sub>2</sub>Cys.

In accordance with the Examiner's request, Applicants **additionally elect** the fully-defined species set forth in Example 2 on page 72 of the specification as filed, *i.e.*, the lipopeptide comprising the amino acid sequence set forth in SEQ ID NO:4 and a single Pam<sub>2</sub>Cys moiety.

### III. CONCLUSION

Consideration of the claims is respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicants' representative at (415) 875-2405.

Respectfully submitted,  
DAVID JACKSON *ET AL.*

Dated: November 25, 2008

By: /Chris Ullsperger/  
Chris Ullsperger, Ph.D.  
Reg. No.: 48,006  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Direct (415) 875-2405  
Main (415) 875-2300  
Fax (650) 938-5200